

REMARKS

Prior to entry of the instant amendment, claims 1-20 are pending in the subject application. By the instant amendment, claims 21 and 22 are added. Claims 1 and 21 are independent.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on October 15, 2003.

Claims 1-22 are presented to the Examiner for further or initial prosecution on the merits.

A. Introduction

In the outstanding Office action, mailed August 23, 2005, the Examiner rejected claims 1, 2, 15 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2-164412 to Kazuhiko ("the Kazuhiko reference") in view of U.S. Patent No. 2,877,863 to Lurie ("the Lurie reference") and rejected claims 3-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over the Kazuhiko reference in view of the Lurie reference and further in view of U.S. Patent No. 6,554,880 B1 to Northcut ("the Northcut reference").

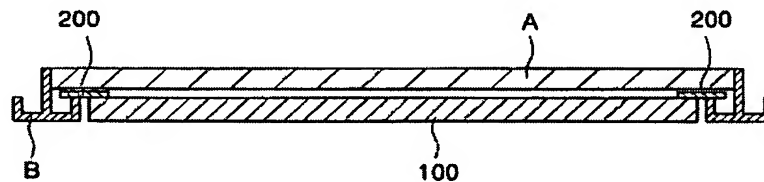
B. Asserted Obviousness Rejection of Claims 1, 2, 15 and 17-20

In the outstanding Office action, the Examiner rejected claims 1, 2, 15 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over the Kazuhiko reference in view of the Lurie reference. Applicants respectfully traverse this rejection, and submit that the Examiner failed to set forth a *prima facie* case of obviousness for at least the reasons set forth below.

Claim 1 recites, in part,

A filter protection apparatus, comprising:
a frame . . . having a shape of a filter securing part. . .
an attaching part for attaching the frame to the filter
securing part; and
a protection part, which is coupled on the inner surface of
the frame . . .

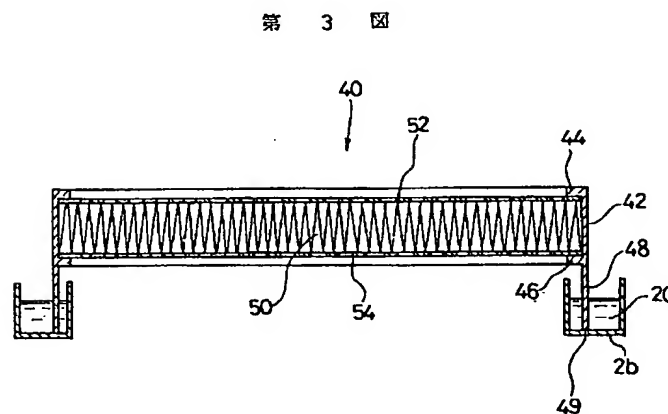
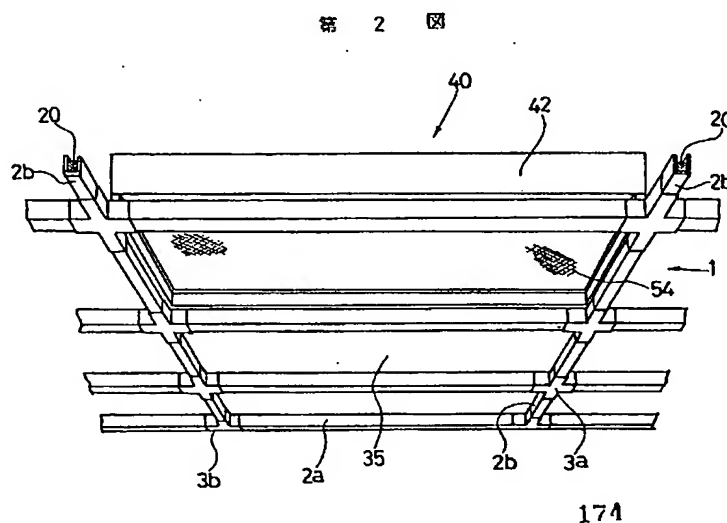
The present invention is directed to a filter protection apparatus for protecting an air filter from damage. It is *not* directed to an air filter. *See the specification as originally filed at, e.g., paragraph [0045].* The filter protection apparatus includes a frame in the shape of an air filter and an attaching part for removably attaching the filter protection apparatus to the air filter. *See the specification as originally filed at, e.g., paragraph [0061].* These aspects of the present invention are illustrated in, e.g., FIG. 11A of the subject application, which is reproduced below.



In FIG. 11A, element 100 is the frame of the filter protection apparatus and element 200 is the attaching part (a protection part, which is disposed in the frame 100, is not visible in this illustration). Note that the air filter A is mounted in a filter securing part B, *both of which are separate from the filter protection apparatus.* In the outstanding Office action, the Examiner cited the Kazuhiko reference as teaching various aspects of the present invention as recited in claim 1. However, the Kazuhiko reference discloses an air filter, rather than an air filter protection apparatus.

In particular, in the outstanding Office action the Examiner asserted that the Kazuhiko reference discloses “a frame (1) having a shape of a filter securing part for

securing an air filter (50), an attaching part for attaching the frame to the filter securing part (2a, 2b, 48), and a protection part (52, 54) which is coupled on the inner surface of the frame. . . .” *Office action of August 23, 2005, at page 2.* Figures 2 and 3 of the Kazuhiko reference are reproduced below. Notably, these figures do not show anything resembling the frame 100 and attaching part 200 illustrated in applicant’s FIG. 11A. Rather, they merely illustrate an air filter assembly roughly corresponding to filter A, which applicant’s invention is designed to protect, and filter securing part B.



As illustrated in these figures, the Kazuhiko reference discloses an air filter frame (42) housing an air filter (50) and protective parts (52, 54) and having legs (48) disposed

to rest in a channel-type supporting frame (1) made up of orthogonal sub-structures (2a, 2b).

The Examiner equates frame (1) with the frame recited in claim 1 and equates protective parts (52, 54) with the protection part recited in claim 1. However, in contrast to the apparatus recited in claim 1, the Kazuhiko reference discloses that frame (1) and protective parts (52, 54) are not even part of the same unit, but rather are part of the support and the air filter, respectively. Further, the Lurie reference fails to provide the teachings missing from the Kazuhiko reference. Accordingly, applicants respectfully submit that the combination of the Kazuhiko and Lurie references fails to disclose a filter protection apparatus including a frame, an attaching part and a protection part, as recited in claim 1.

For at least the reasons set forth above, applicants submit that claim 1 is allowable over the cited prior art. Claims 2, 15 and 17-20 depend, either directly or indirectly, from claim 1 and are believed to be similarly allowable. Accordingly, applicants respectfully request that this rejection be reconsidered and withdrawn.

C. Asserted Obviousness Rejection of Claims 3-14 and 16

In the outstanding Office action, the Examiner rejected claims 3-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over the Kazuhiko reference in view of the Lurie reference and further in view of the Northcut reference. However, the Northcut reference fails to provide the teachings noted above as missing from the Kazuhiko and Lurie references. Therefore, as claims 3-14 and 16 depend, either directly or indirectly, from claim 1, they are believed to be allowable for at least the reasons set forth above. Accordingly, applicants respectfully request that this rejection be reconsidered and withdrawn.

D. New Claims

By the instant amendment, claims 21 and 22 are added. No new matter is added and support for the instant amendment can be found in, e.g., paragraphs [0070]-[0072] and FIGS. 11A and 11B of the application as originally filed. Applicants respectfully submit that none of the cited prior art, whether alone or in combination, discloses or suggests the subject matter recited in these claims. Therefore, applicants respectfully submit that claims 21 and 22 are allowable, and a notice to that effect is respectfully requested.

E. Conclusion

Since the cited prior art relied on to reject the claims of the subject application fails to anticipate or render obvious the present invention, applicants respectfully submit that claims 1-22 are in condition for allowance, and a notice to that effect is respectfully requested.

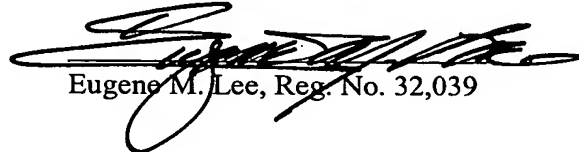
Finally, if the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all pending claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

Date: November 3, 2005



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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying papers may also be charged to Deposit Account No. 50-1645.